

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/783,396	02/20/2004	Tony M. Pearce	03886.052/5127-P

Daniel P. McCarthy  
 Parsons Behle & Latimer  
 201 South Main Street, Suite 1800  
 P.O. Box 45898  
 Salt Lake City, UT 84111

CONFIRMATION NO. 6439

## FORMALITIES LETTER



\*OC000000013559047\*

Date Mailed: 08/17/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) **52B, 60C** (Are described in specification, however actual figures are submitted 52, 60) described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed

within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$806** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1706** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$806**
  - **\$86** for **1** independent claims over 3.
  - **\$720** for **40** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be "S. J. [unclear]", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Serial No. 10/783,396

Certificate of Mailing

Examiner: Donald H. Heckenberg,  
Jr.  
Group Art Unit: 1722

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INVENTORS:** Tony M. Pearce and Terry V. Pearce

**TITLE:** METHOD FOR MAKING A CUSHION

**FILING DATE:** February 20, 2004

**EXAMINER NAME:** Donald H. Heckenberg Jr.

**SERIAL NO.:** 10/783,396

**GROUP ART UNIT:** 1722

**DOCKET:** 5127 P

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**CERTIFICATE OF MAILING**

Honorable Commissioner:

I hereby certify that the attached Response to Notice of Non-Compliant Amendment is being submitted via First Class Mail with the United States Postal Service in an envelope with sufficient postage on October 27, 2005, the envelope being addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

Respectfully submitted this 27th day of October, 2005.

Daniel P. McCarthy  
Reg. No. 36,600  
PARSONS, BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Post Office Box 45898  
Salt Lake City, Utah 84145-0898  
(801) 532-1234

IPW

Serial No. 10/783,396

Response to Notice of Non-  
Compliant Amendment

Examiner: Donald H. Heckenberg  
Jr.  
Group Art Unit: 1722



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**INVENTORS:** Tony M. Pearce  
Terry V. Pearce

**TITLE:** METHOD FOR MAKING A CUSHION

**FILING DATE:** February 20, 2004      **GROUP ART UNIT:** 1722

**SERIAL NO.:** 10/783,396      **DOCKET:** 5127 P

**EXAMINER:** D. H. Heckenberg, Jr.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

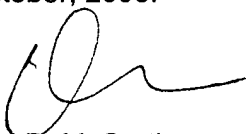
**Response to Notice of Non-Compliant Amendment**

Honorable Commissioner:

This correspondence is intended to be fully responsive to the Notice of Non-Compliant Amendment from the U. S. Patent and Trademark Office dated September 27, 2005. A corrected copy of the Response to Notice to File Missing Parts, with photocopies of documents submitted therewith, is attached.

If any additional fees are due those fees should be charged to Deposit Account No. 50-0581.

Respectfully submitted this 27th day of October, 2005.



Daniel P. McCarthy  
Reg. No. 36,600  
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201 South Main Street, Suite 1800  
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(801) 532-1234

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134 EAST 200 NORTH  
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(801) 756-2600



BAN AMERICAN FORK  
South Main  
Alpine, Utah 84004  
97-102/1243

1687

9/15/2004

PAY TO THE ORDER OF Commissioner of Patents and Trademarks

\$ \*\*893.00

Eight Hundred Ninety-Three and 00/100\*\*\*\*\*

DOLLARS

Commissioner of Patents and Trademarks  
Box Provisional Patent Application  
Asst. Commissioner for Patents  
Washington, DC 20231

*Tony M. Pearce*

MEMO

Method for Making a Cushion

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

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EDIZONE, LC

1687

Commissioner of Patents and Trademarks

9/15/2004

Method for Making a Cushion

893.00

Filing Fee for U. S. Patent Application for a Small Entity	\$ 385.00
Fee for Additional Independent Claims Over Three (1 X \$43.00)	43.00
Fee for Claims in Excess of Twenty (40 X \$9.00)	360.00
Surcharge for Late Filing of Declaration	65.00
Recording Fee for Assignment	40.00
<b>TOTAL</b>	<b>\$ 893.00</b>

Inventors: Tony M. Pearce and Terry V. Pearce  
Serial Number: 10/783,396  
Title: "Method for Making a Cushion"  
Attorney's Docket Number: 03886.052/5127 P

EdiZone, Bank of America Method for Making a Cushion

893.00

EDIZONE, LC

1687

Commissioner of Patents and Trademarks

9/15/2004

Method for Making a Cushion

893.00

EdiZone, Bank of America Method for Making a Cushion

893.00